

REMARKS

New claims 64 – 70 are replacing the original application claims presented for examination. A single new independent claim 64 is patterned somewhat after original claim 52 but has been limited to a memory where both the source and drain diffusions and a set of control lines are segmented in the same direction. This is shown in Figure 10C of the present application and described primarily between page 36, line 32 and page 37, line 27 of the specification. The new claims clearly distinguish from the cited Ma et al technical paper from the 1994 IEEE IEDM (pages 57 – 60) by reciting array segments that are individually connectable with global lines. The new claims are also believed to overcome the obviousness double patenting rejection over claim 23 of patent 5,883,409 for the same reason.

A Supplemental Information Disclosure Statement is being filed herewith to identify two other patents of SanDisk Corporation, the assignee of the present application, that are directed to different forms of segmented non-volatile memory arrays.


The Office Action (page 2, 2nd paragraph) objects to the “Related Applications” paragraph of page 1 of the present application as revised by the Preliminary Amendment simultaneously filed with the application. Omission of reference to the earliest applications serial nos. 08/607,951 and 07/820,364, intentionally made, appears to be the basis for the rejection. These earliest applications were omitted because they are not believed to contain a description of the subject matter claimed in the present application. Particularly, these earliest applications are not believed to disclose the segmented array subject matter of claims 64 – 70 remaining in the present application after this Amendment. Figure 10C and the description referenced above were included for the first time in the continuation-in-part application serial no. 08/607,951, filed February 28, 1996. Therefore, the “Related Applications” paragraph recites this 1996 application as the earliest from which priority of the present application is being sought. There is no benefit to claim the priority of earlier applications which do not disclose the claimed subject matter, while doing so shortens the life of the patent issuing from the present application since that life is calculated to be 20 years from the earliest claimed priority date.

Reconsideration of the objection to the “Related Applications” is respectfully requested. No basis for a requirement that a continuation application claim the priority of all of the applications in a chain is provided in the Office Action and none can be found. To the contrary, the Manual of Patent Examining Procedure (M.P.E.P., 8th edition, revision 1, February 2003)

clearly states that “. . . the right to rely on a prior application may be waived or refused by an applicant by refraining from inserting a reference to the prior application in the specification of the later one.” (M.P.E.P., section 201.11(III)(E), page 200-71.) The deletion of a claim to the priority of a prior application is also permitted. (See M.P.E.P., section 201.11(III)(G), page 200-73.) Therefore, the “Related Applications” statement submitted with the present application is submitted to be proper.

Accordingly, it is believed that this application is now in condition for allowance and an early indication of its allowance is solicited. However, if the Examiner has any further matters that need to be resolved, a telephone call to the undersigned attorney at 415-318-1163 would be appreciated.

Respectfully submitted,



Gerald P. Parsons
Reg. No. 24,486

August 30, 2004

Date

PARSONS HSUE & DE RUNTZ LLP
655 Montgomery Street, Suite 1800
San Francisco, CA 94111
(415) 318-1160 (main)
(415) 318-1163 (direct)
(415) 693-0194 (fax)